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Re: Ex Parte Notification

2002 Biennial Regulatory Review—Review of the Commission's
Broadcast Ownership Rules and Other Rules Adopted Pursuant to
Section 202 of the Telecommunications Act of 1996

MB Docket No. 02-277
MM Docket No. 01-235
MM Docket No. 01-317
MM Docket No. 00-244

Dear Ms. Dortch:

This is an *ex parte* notification filed pursuant to Section 1.1206 of the Commission's Rules.

On April 29, 2003, Mark J. Prak and the undersigned, on behalf of Hearst-Argyle Television, Inc. ("Hearst-Argyle"), met with Robert Ratcliffe, Deputy Bureau Chief; Paul Gallant, Special Advisor; Jerry Duvall, Chief Economist; Judith Herman, Assistant Division Chief; and Erin Dozier of the Media Bureau.

Marlene H. Dortch
April 30, 2003
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The purpose of the meeting was to discuss the local television ownership rule proposal of Hearst-Argyle as it relates to the above proceedings. Mr. Prak and Mr. Kushner explained the mechanics of Hearst-Argyle's proposal, how the proposal was derived from and supported by antitrust case law and analysis, and responded to questions. In addition, Mr. Prak and Mr. Kushner provided copies of the following cases: *Consolidated Gold Fields, PLC v. Anglo Am. Corp. of South Africa Ltd.*, 713 F. Supp. 1479 (S.D.N.Y. 1989); *Consolidated Gold Fields PLC v. Minorco, S.A.*, 871 F.2d 252 (2d Cir. 1989); *FTC v. Cardinal Health, Inc.*, 12 F. Supp. 2d 34 (D.D.C. 1998); *FTC v. Swedish Match*, 131 F. Supp. 2d 151 (D.D.C. 2000); *H.L. Hayden Co. of New York, Inc. v. Siemens Med. Sys., Inc.*, 879 F.2d 1005 (2d Cir. 1989); *Mid-Nebraska Bancshares, Inc. v. Board of Governors of Fed. Reserve Sys.*, 627 F.2d 266 (D.C. Cir. 1980); *United States v. Philadelphia Nat'l Bank*, 374 U.S. 321 (1963).

An original and seven copies of this letter are being filed with the Secretary with additional copies delivered to each person who participated in the meeting.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Sincerely,



David Kushner

cc: Robert Ratcliffe
Paul Gallant
Jerry Duvall
Judith Herman
Erin Dozier